

Remarks

Reconsideration of this Application is respectfully requested.

Claims 1-28 are pending in the application, with claims 1, 14, 18 and 20 being the independent claims. Based on the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejection under 35 U.S.C. § 102

Claims 1-4, 7, 10-15, 18, 20-22, and 25 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Pat. Pub. No. 2004/0130561 to Jain (hereinafter "Jain"). Applicant respectfully traverses.

Claim 1 recites, among other things, an SLM array that defines a first plane, and adjusting a position of at least one SLM in an SLM array from a first plane to a second orientation. That is, each SLM in the SLM array exists in an initial plane. When the adjusting step occurs, at least one SLM is moved out of that initial plane to a second (e.g., different) orientation.

Jain neither teaches nor suggests this kind of adjustment. Instead, the SLMs in Jain are initially mounted in an overlapping, multiplanar configuration. Once mounted in this configuration, each SLM does not change out of its respective initial plane. Nonetheless, the Examiner states that paras. 0023 and 0024 of Jain discuss adjusting the SLMs. Applicant respectfully disagrees with this characterization of Jain. Contrary to the Examiner's assertion, these paragraphs merely discuss mounting the SLMs in an

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Peter Kochersperger
Appl. No. 10/677,242

overlapping manner. These paragraphs do not discuss any adjustments to the SLMs once they have been initially mounted.

The Examiner further states that para. 0022 of Jain discloses adjusting the position of the SLM to compensate for focal deviation. *See*, Office Action, p. 3. Again, Applicant disagrees with this interpretation of Jain. The SLMs in Jain do not start out in one plane (e.g., position), to be then adjusted into a second orientation (e.g., an overlapping configuration), as recited in claim 1. Rather, the SLMs in Jain are initially placed in an overlapping configuration. There is nothing in the specification of Jain to even suggest that the SLMs move from that initial configuration. In fact, the section of Jain referenced by the Examiner teaches away from such an interpretation. *See* M.P.E.P. §2141.02(VI). Specifically, para. 0022 of Jain states, "A critical focusing distance (D_f) is the total beamlet travel distance from the surface of the selected DMD micromirror to the entry plane of the projection lens... This critical distance D_f is maintained constant in the preferred embodiment for each pixel beamlet." If the distance between the SLM (in this case, a DMD) and the projection lens is constant, then the SLM can not be adjusted, as recited in claim 1, as such an adjustment would change the distance to the projection lens. Jain thus does not teach or suggest an SLM array defining a first plane and "adjusting a position of at least one SLM in said SLM array from the first plane to a second orientation," as recited in claim 1.

For at least these reasons, Applicant respectfully submits that claim 1 is patentable over Jain. Reconsideration and withdrawal of the rejection of claim 1 is respectfully requested.

Claims 2-4, 7, and 10-13 depend directly or indirectly from claim 1, and are patentable over Jain for at least the reasons discussed with respect to claim 1, and further in view of their own respective features. Reconsideration and withdrawal of the rejections of claims 2-4, 7, and 10-13 are respectfully requested.

Claim 14 recites, among other things, an SLM array wherein each SLM in the SLM array has a first position, and adjusting at least one SLM from the first position to a second position. As discussed with respect to claim 1, Jain neither teaches nor suggests adjusting an SLM from a first position to a second position. Rather, the SLMs in Jain are placed in a first, nonplanar position from which they are not moved. For at least these reasons, claim 14 is patentable over Jain. Claim 15 depends from claim 14, and is patentable over Jain for at least the reasons discussed with respect to claim 14, and further in view of its own respective features. Reconsideration and withdrawal of the rejections of claims 14 and 15 are respectfully requested.

Claim 18 recites, among other things, adjusting a position of at least one of a plurality of SLMs based on an aberration. As discussed with respect to claim 1, Jain neither teaches nor suggests adjusting a position of an SLM, wherein adjusting causes the surface of the SLM array to deviate from a flat plane. For at least these reasons, claim 18 is patentable over Jain. Reconsideration and withdrawal of the rejection of claim 18 is respectfully requested.

Claim 20 recites, among other things, each SLM in a plurality of SLMs being attached to a respective adjuster, wherein each adjuster moves a respective SLM such that a surface of the SLM array deviates from a flat plane. The Examiner admits that Jain does not explicitly disclose an adjuster. *See*, Office Action, p. 2 (as comments on

the rejection of claim 1). Nonetheless, the Examiner states that an adjuster is implicit because such a device is needed in order to overlap the SLMs. Applicant respectfully disagrees with this characterization of Jain. As discussed with respect to claim 1, para. 0022 of Jain not only says nothing about adjusting the SLMs, but instead teaches away from such an interpretation. For at least these reasons, claim 20 is patentable over Jain. Claims 21-22 and 25 depend from claim 20, and are patentable over Jain for at least the reasons discussed with respect to claim 20, and further in view of their own respective features. Reconsideration and withdrawal of the rejections of claims 20-22 and 25 are respectfully requested.

Rejection under 35 U.S.C. § 103

Claim 19 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Jain. Applicant respectfully traverses.

Claim 19 depends from claim 18, and is patentable over Jain for at least the reasons discussed with respect to claim 18, and further in view of its own respective features. Regardless of whether the additional elements recited in claim 19 are obvious over Jain, which Applicant does not concede, Jain still neither teaches nor suggests "adjusting a position of at least one of said plurality of SLMs based on said aberration...wherein said adjusting step causes the reflective surface of said SLM array to deviate from a flat plane," as recited in claim 18. Further, such a feature is not obvious based on Jain since Jain explicitly teaches away from such a feature in para. 0022, which states that the distance from the SLM to the projection lens is maintained

constant. For at least these reasons, Applicant submits that claim 19 is patentable over Jain. Reconsideration and withdrawal of claim 19 is respectfully requested.

Allowable Subject Matter

Applicant thanks the Examiner for indicating the allowability of claims 5, 6, 8, 9, 11, 16, 17, 23, 24, and 26-28.

Applicant notes the Examiner's statement of reasons for allowance presented on page 4 of the Office Action. Applicant reserves the right to demonstrate these claims are allowable over the art made of record for further reasons related to any of their recited features. Applicant further contends that reservation of this right does not give rise to any implication regarding whether the Applicant agrees with or acquiesces in the reasoning provided by the Examiner in the Examiner's statement of reasons for allowance.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Michelle K. Holoubek
Attorney for Applicant
Registration No. 54,179

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1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

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